

5-364



ORDINANCE NUMBER 2881

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING SPECIFIC USE PERMITS TO ALLOW MOTOR VEHICLE SALES, MOTOR VEHICLE REPAIR OR PARTS INSTALLATION OF ANY TYPE, AND OUTSIDE DISPLAY FOR A PROPOSED MOTORCYCLE DEALERSHIP LOCATED ON APPROXIMATELY 1.51 ACRES AT 13700 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH - FREEWAY SUBDISTRICT (PD-70 OFB-FW) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the zoning map of the City of Farmers Branch so as to grant specific use permits to allow motor vehicle sales, motor vehicle repair and parts installation of any type, and outside display for a motorcycle dealership located at 13700 Stemmons Freeway within Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district (hereinafter the “Property”), as described in Exhibit “A” and depicted in Exhibit “B” attached hereto subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 70 Old Farmers Branch – Freeway Subdistrict (PD-70 OFB-FW) zoning district and in accordance with the approved site plan attached hereto as Exhibit “C” and the plan of operation attached hereto as Exhibit “D.” All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the Planning and Zoning Commission hereby approved the following special exceptions:

- a. Allow for 22 parking spaces instead of the required 37 parking spaces;
- b. Allow one loading area space instead of two loading area spaces; and
- c. Allow for an approximate 46-foot existing pole sign instead of a maximum 30 feet tall sign.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.


SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

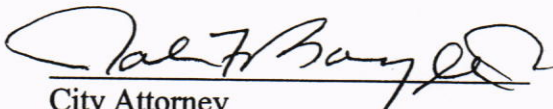
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 18th day of September, 2006.

APPROVED:



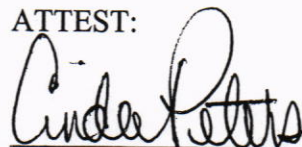
Bob Phelps, Mayor

APPROVED AS TO FORM:



City Attorney
(Reviewed by Atty. J. Boyle, 9/7/06)

ATTEST:



Cindee Peters, City Secretary

Exhibit "A" – legal description

A tract of land situated in the City of Farmers Branch, Dallas County, Texas, and being part of the Thomas Keenan Survey, Abstract 733, and also being part of the tract of land conveyed to K. J. Ludwig and Rex P. McNabb by deed recorded November 8, 1968, in the Deed Records of Dallas County, Texas: and being more particularly described as follows:

Beginning at a point for corner in the easterly line of IH 35E, said point being the southwesterly corner of Block A of First Prudential Place, an addition to the City of Farmers Branch filed for record March 18, 1974, and recorded in Volume 74055, Page 256, in the Map Records of Dallas County, Texas, said point also being southerly a distance of 290.00 feet from the intersection of the easterly line of IH 35E and the northerly line of said Keenan Survey;

Thence North 83 degrees 44' 00" East along the southerly line of said Block A a distance of 208.85 feet to a point for corner in the southwesterly line of a Texas Power and Light Company right-of-way (70 feet wide) as recorded in Volume 331, Page 1066, of the Deed Records of Dallas County, Texas;

Thence South 29 degrees 39' 00" East along said Texas Power and Light Company right-of-way a distance of 197.34 feet to a point for corner in the centerline of a 70.00 foot wide drainage easement conveyed to the County of Dallas by deed recorded in Volume 2169, Page 341, of the Deed Records of Dallas County, Texas;

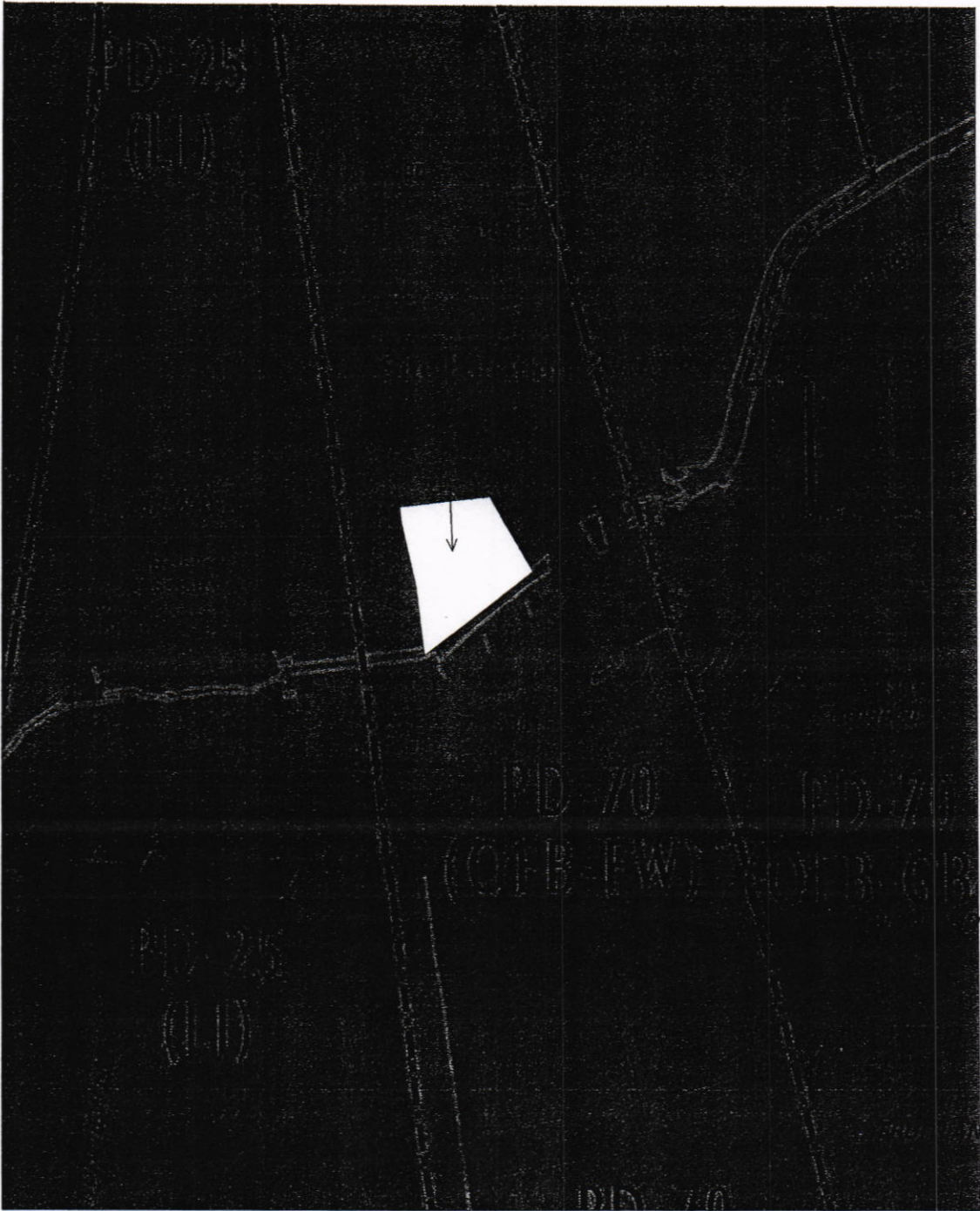
Then South 53 degrees 00' 00" West along the centerline of said drainage easement a distance of 315.47 feet to a point for corner in the easterly line of IH 35E;

Thence North 6 degrees 16' 00" West along the easterly line of IH 35E a distance of 157.64 feet to an angle point;

Thence North 12 degrees 21' 20" West continuing along the easterly line of IH 35E a distance of 150.85 feet to an angle point;

Thence North 6 degrees 16' 00" West continuing along the easterly line of IH 35E a distance of 34.72 feet to the point of beginning and containing 1.5069 acres.

Exhibit "B" – locator map



SUNL MOTORSPORTS

FOR

13700 N. STEMMONS FREEWAY

STEWCO DEVELOPMENT #2

VOL. 80052 PG. 1524

IN

THE CITY OF FARMERS BRANCH

DALLAS COUNTY, TEXAS

JULY 2006

OWNER/DEVELOPER: SUNL GROUP
11415 MOTTER DR.
FARMERS BRANCH, TX 75334
PH: (972)343-0083
CONTACT: RY JOHNSON

CITY ENGINEER: BARRY + PARTNERS-OPW, INC.
8310 MARSHALL HILL ROAD
SUITE 100
DALLAS, TEXAS 75230
PH: (972)981-0011
FAX: (972)981-0078
CONTACT: SCOTT CARLTON

SURVEYOR: BARRY + PARTNERS-OPW, INC.
8310 MARSHALL HILL ROAD
SUITE 100
DALLAS, TEXAS 75230
PH: (972)981-0011
FAX: (972)981-0078
CONTACT: DAVID DE WARD, R.P.L.S.

LAND DESIGN PARTNERS - OPW
8310 MARSHALL HILL ROAD
SUITE 100
DALLAS, TEXAS 75230
PH: (972)981-0011
FAX: (972)981-0078
CONTACT: GUAN WU

ARCHITECT: BIL & ASSOCIATES
4828 REDWOOD CT.
FARMERS BRANCH, TEXAS 75336
PH: (214)343-8180
FAX: (214)344-8782
CONTACT: BERNET LIA

INDEX OF SHEETS

SHEET	DESCRIPTION
A	COVER SHEET
B	SITE PLAN
C	LANDSCAPE PLAN
D	CONCRETE PLAN
E	UTILITY PLAN
F	STORAGE PLAN

VICINITY MAP
N.T.S.
(AMPS20 SHD 120)

RECORDED
AUG 1 2006

ISSUED FOR CONSTRUCTION

07/18/06

SUNL MOTORSPORTS - FARMERS BRANCH, TEXAS - PROJECT NO. 30463-02

Bury+Partners
ENGINEERING SOLUTIONS

Ordinance 2881

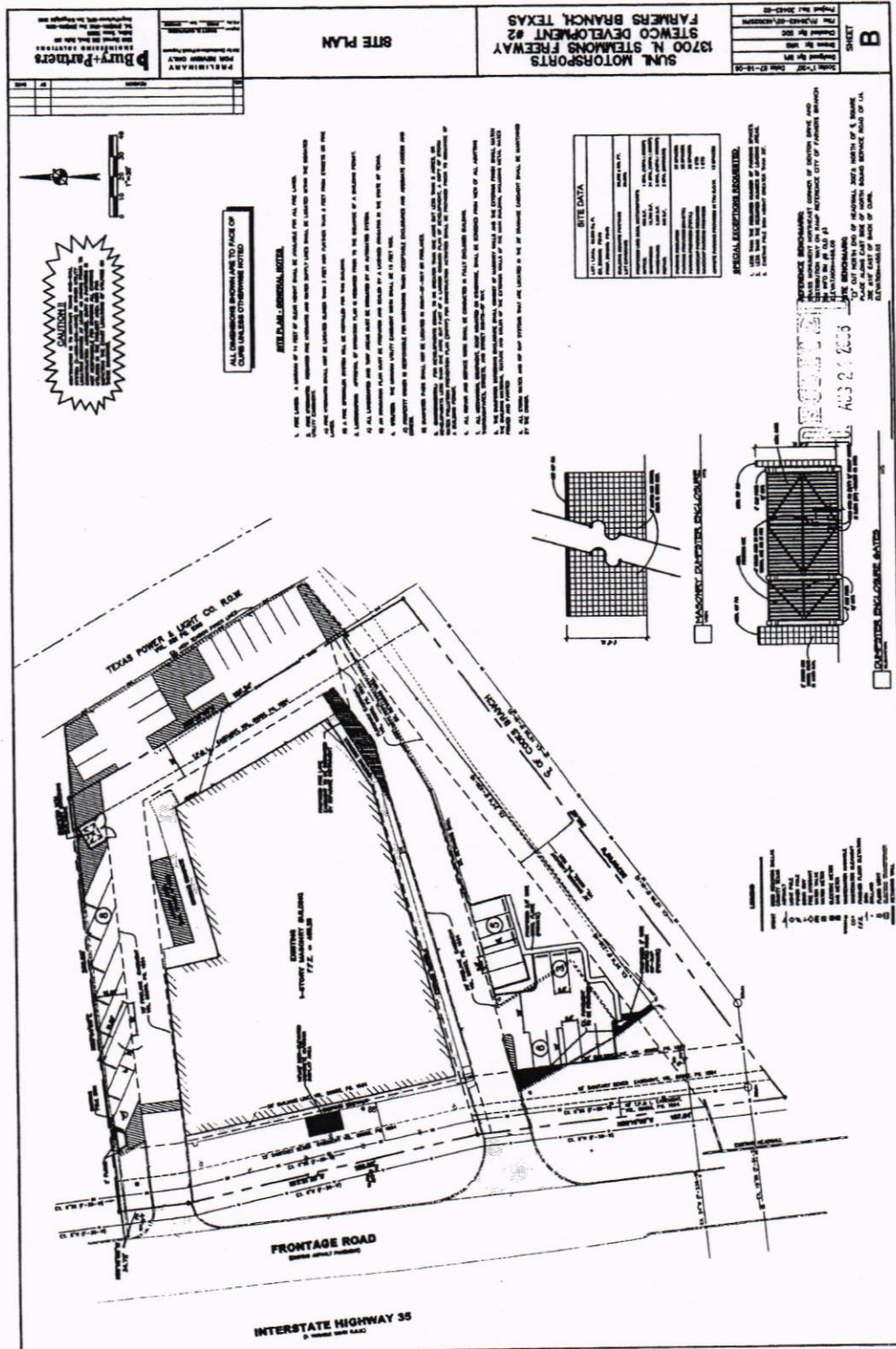
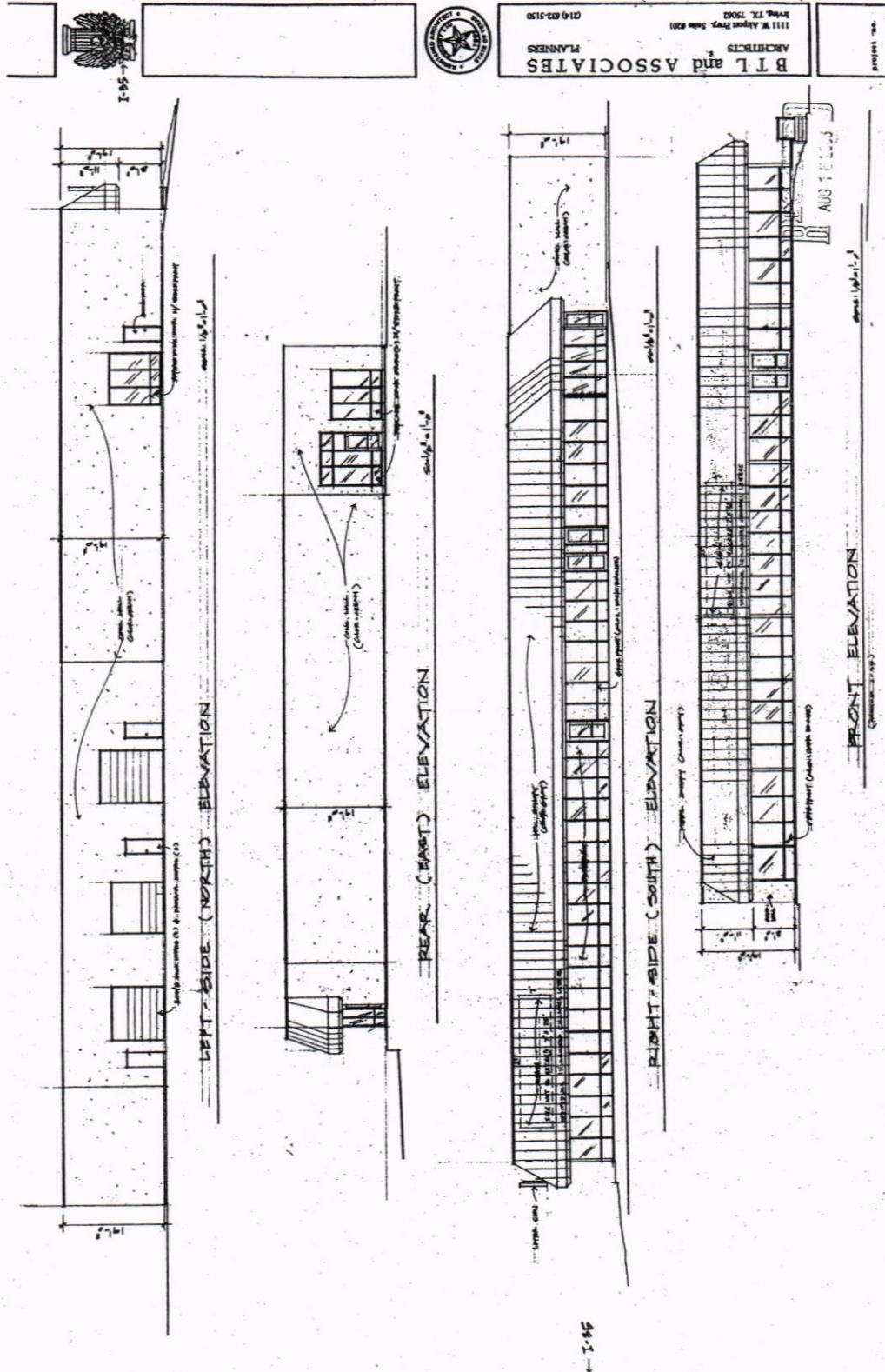
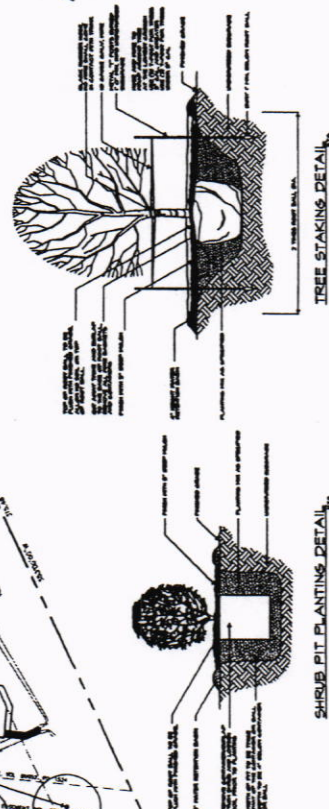


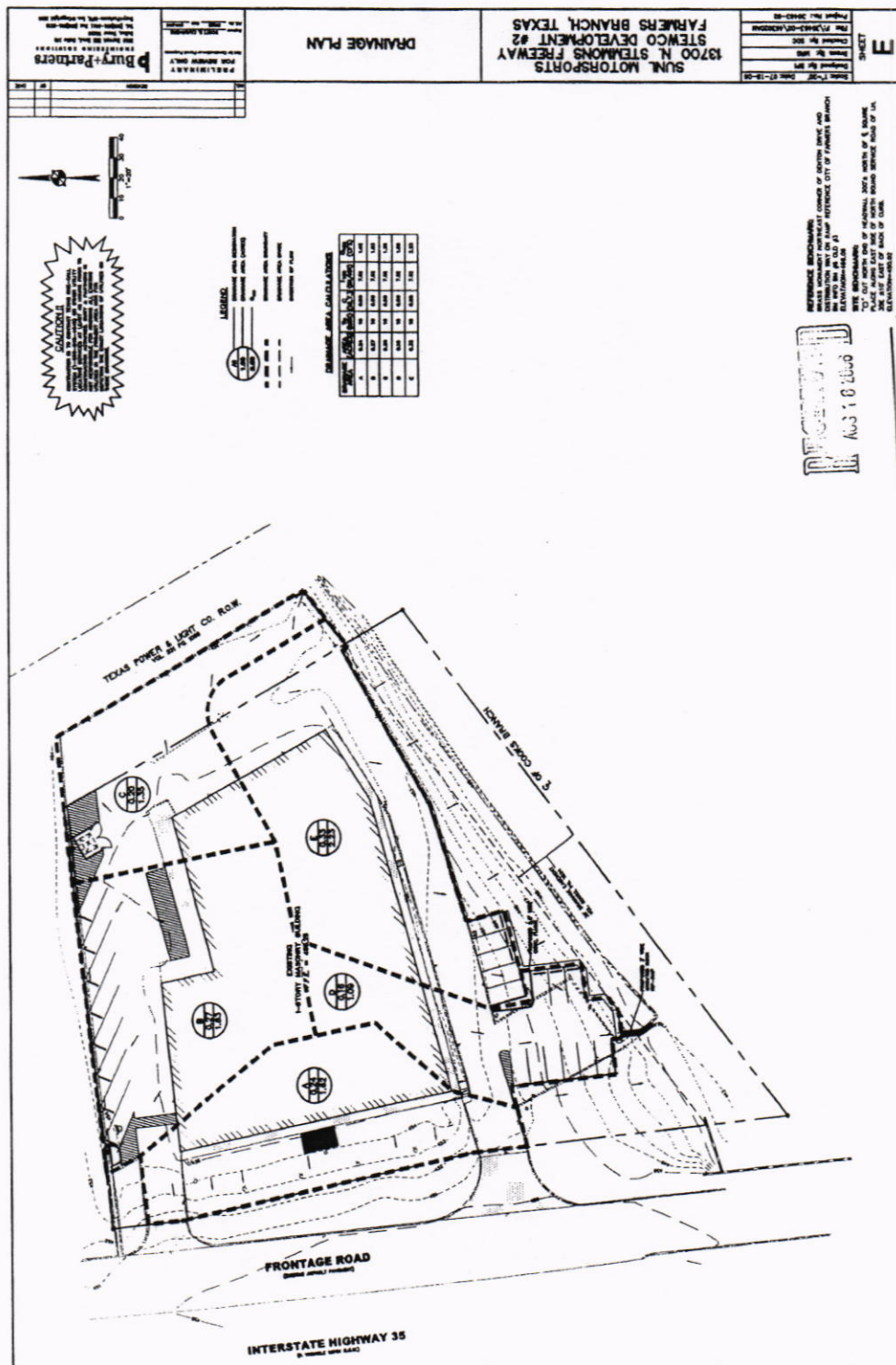
Exhibit "C" - Site Plan (continued)



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Ordinance 2881



Exhibit "C" - Site Plan (continued)

<p>PRELIMINARY</p> <p>THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE CITY OF DALLAS RESERVES THE RIGHT TO REJECT OR MODIFY THIS PLAN AT ANY TIME WITHOUT NOTICE.</p> <p>BUTTS+PARTNERS</p> <p>10000 DALLAS STREET, SUITE 1000 DALLAS, TEXAS 75243 214.760.1234</p>	<p>SIGNAGE PLAN</p>	<p>SUNL MOTORSPORTS 13700 N. STEWARTS FREEWAY STEWARD DEVELOPMENT #2 FARMERS BRANCH, TEXAS</p>	<p>SHEET G</p> <p>Project No. 2003-03 City of Dallas Department of Transportation Division of Engineering Section of Traffic Engineering Subsection of Traffic Engineering</p>
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PROPOSED ATTACHED SIGN

Elevation	Description	Height (ft.)	Length (ft.)	Height (ft.)	Overall Sign Ft.	% of Frontage
West	Neon Lighted Channel Letters	14 ft.	25	7	175	17%
South	Neon Lighted Channel Letters	14 ft.	25	7	175	13%
Pylon	Double Face/Neon Lighted Channel Letters	45 ft. 8 in.	16	10	180	N/A

Exhibit "C" - Site Plan (continued)



Exhibit "C" - Site Plan (continued)

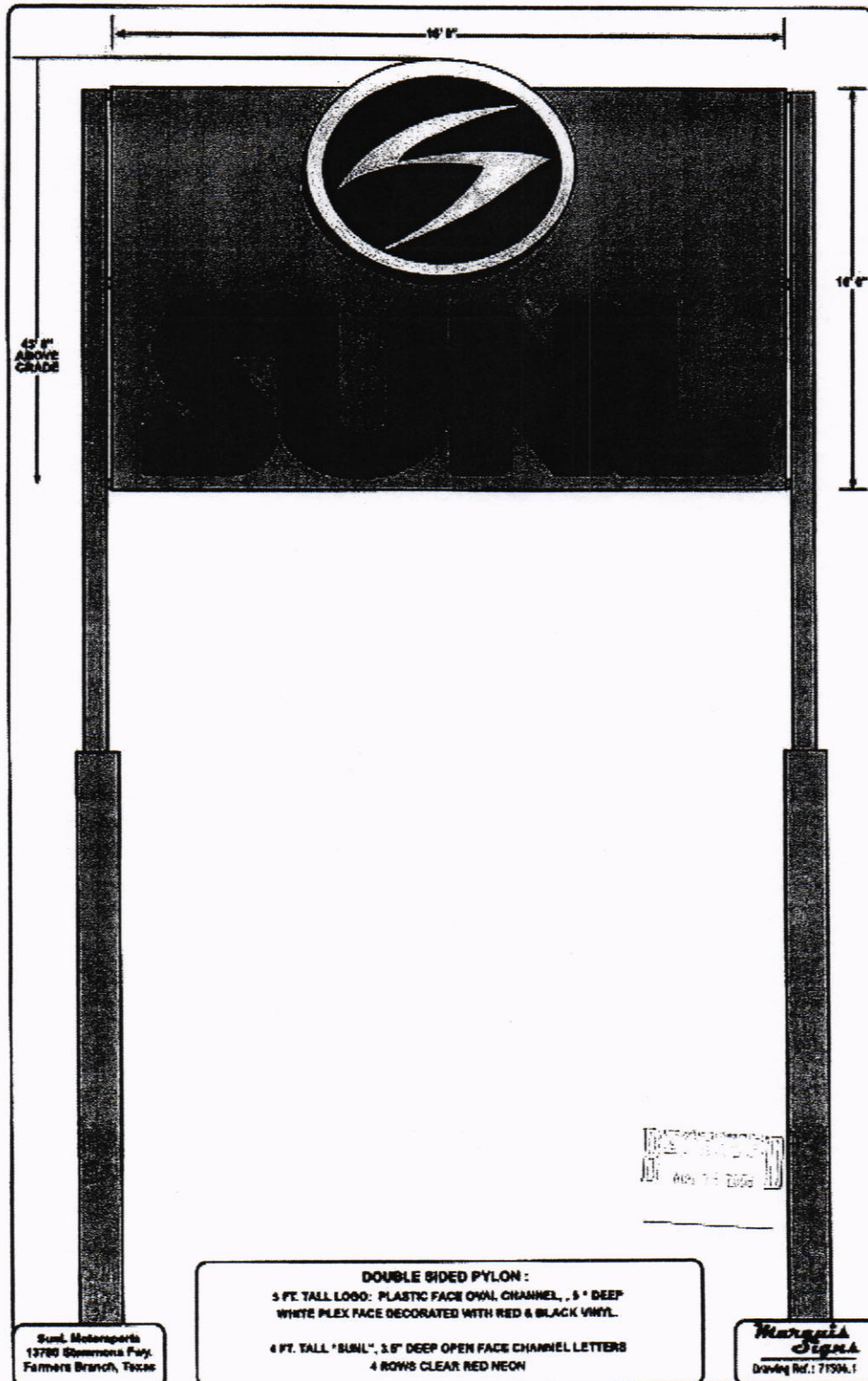


Exhibit "D" - Plan of Operation



Planning & Zoning Commission of the City of Farmers Branch
Application for Specific Use Permit

PLAN OF OPERATION

All non-residential uses must provide the following information with the application:

Describe proposed use Motorcycle Sales, Repair & warehouse, owned & operated by
SunL Motorsports. With 180 square feet of outside display.

Indicate hours of operation of the proposed use 9am to 6pm- M-F, 9am to 5pm-Sat.

Total number of employees 9

Indicate if any storage is proposed outside the building NO

Indicate if any activity is proposed outside the building in outside display area, 180 SF

Any other relevant unique information on the business or site NO

G:\Planning and Zoning\Application forms\Specific Use Permit\SUP oct2005\SUP PlanofOperationoct2005.doc,11/07/2005